

Commonwealth of Massachusetts
Executive Office of Environmental
Affairs ■ MEPA Office

ENF

Environmental
Notification Form

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>	
EOEA No. 13169 R	
MEPA Analyst Deirdre Buckley	
Phone: 617-626- 1044	

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR11.00.

Project Name: Brush Hill Estates		
Street: Arlington Lane, Hancock Court & Berkeley Drive		
Municipality: Walpole	Watershed: Neponset River	
Universal Transverse Mercator Coordinates: 4670652.32 N 313480.58 E	Latitude: 042° 10' 3.70" N Longitude: 071° 15' 26.85" W	
Estimated commencement date: August 1998	Estimated completion date: January 2005	
Approximate cost: \$ 3,800,000	Status of project design: 100 %complete	
Proponent: Brush Hill Realty Trust		
Street: 23 Pinnacle Drive		
Municipality: East Walpole	State: MA	Zip Code: 02032
Name of Contact Person From Whom Copies of this ENF May Be Obtained: David Crossman		
Firm/Agency: B & C Associates Inc.	Street: 2 Rice Street	
Municipality: Hudson	State: MA	Zip Code: 01749
Phone: 978-568-0135	Fax: 978-568-0135	E-mail: bcwetlands@hotmail.com

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes No
- Has this project been filed with MEPA before?
 Yes (EOEA No. 13169) No
- Has any project on this site been filed with MEPA before?
 Yes (EOEA No. 13169) No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- | | | |
|--|------------------------------|--|
| a Single EIR? (see 301 CMR 11.06(8)) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| a Special Review Procedure? (see 301CMR 11.09) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| a Waiver of mandatory EIR? (see 301 CMR 11.11) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| a Phase I Waiver? (see 301 CMR 11.11) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): **None**

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals: **Town of Walpole Board of Health Approval, Town of Walpole Planning Board Approval, Town of Walpole Conservation Commission Order of Conditions (under the Wetlands Protection Act) and a U.S. Army Corps of Engineers permit.**

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|--|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input checked="" type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input checked="" type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input checked="" type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input type="checkbox"/> Other Permits (including Legislative Approvals) – Specify:
Total site acreage	33.8			
New acres of land altered		5.83		
Acres of impervious area	0.03	3.82	3.85	
Square feet of new bordering vegetated wetlands alteration		8325		
Square feet of new other wetland alteration		0		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				
Gross square footage	1000	44075	45075	
Number of housing units	1	25	26	
Maximum height (in feet)	25	35	35	
TRANSPORTATION				
Vehicle trips per day	10	250	260	
Parking spaces	2	50	52	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	220	11000	11220	
GPD water withdrawal	0	0	0	
GPD wastewater generation/ treatment	220	11000	11220	
Length of water/sewer mains (in miles)	0	0.65	0.65	

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify _____) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (You may attach one additional page, if necessary.)

This site is 33.8 acres in size. There was a single family house located near North Street in Walpole. The remainder of the site was, primarily, a wooded Mixed Oak forest with small stands of White Pine – Oak. There are three wetland areas located within the site. There is a small wetland area located in the north central area of the site. This wetland flows off-site, to the north, and eventually back onto the site near North Street. This wetland joins a larger wetland complex, located in the western portion of the site, which flows south and then east through the southern section of the site. All of the wetlands are Wooded Deciduous Swamps. All of these wetlands flow off the site through a culvert under North Street.

This subdivision project has already been built based upon a 1998 Order of Conditions. This is an after-the-fact filing associated with a 401 Water Quality Certification. Three main roadways were constructed to complete a through roadway system which connects North Street to Evergreen Lane which had been a dead-end street. There are twenty-six new lots within the subdivision. Twenty-four have been or are being built upon at this time. Along with the original house lot, there are presently a total of twenty-five single family homes within this subdivision.

In order to construct the roadway system (to meet Planning Board requirements), two wetland crossings were required. Berkeley Drive crosses the wetland, at a narrow location, utilizing retaining walls and a thirty inch culvert within the intermittent stream. There was also limited alteration of a "finger-like" projection of wetland near the crossing. This roadway crossing altered 3150 square feet of Bordering Vegetated Wetland. Hancock Court impacted the tip of a wetland which resulted in 320 square feet of alteration to a Bordering Vegetated Wetland. Arlington Lane required crossing the wetland in the western portion of the site. The roadway was constructed with retaining walls and a box culvert for the intermittent stream. This crossing altered 4580 square feet of Bordering Vegetated Wetland. The end of Arlington Lane also impacted 275 additional square feet of Bordering Vegetated Wetland. The total wetland alteration on site is 8325 square feet, as approved by the Town of Walpole Conservation Commission. There has been full wetland replication on site. There are three wetland replication areas which have been constructed and planted as mitigation for the wetland alteration. These three wetland replication areas total 9490 square feet.

HISTORY

This project was originally presented to the Town of Walpole Planning Board as an Open Space Plan in 1996. There was a long twenty-six lot cul-de-sac proposed with only the first limited wetland crossing near North Street. The proposed alteration of Bordering Vegetated Wetland was less than 5000 square feet. The western third (12.92 acres) of this site was proposed as open space. The Town of Walpole Planning Board rejected this plan and required a conventional subdivision. The Planning Board demanded a conventional subdivision with a through roadway system and to loop sewer and water utilities in this area of the Town of Walpole.

Once the current version of the subdivision was re-engineered, a Notice of Intent was filed with the Town of Walpole Conservation Commission on June 27, 1996. This Notice showed a total of 4930 square feet of proposed wetland alteration. During the Walpole Conservation Commission's review of the filing, they requested the wetlands be re-delineated. B & C Associates Inc. re-delineated all wetland resource areas within this site. The Commission reviewed the boundaries and agreed to the wetland boundaries as currently shown on the plans. The new delineation resulted in the wetland alteration of 8325 square feet.

When the State of Massachusetts Department of Environmental Protection (DEP) issued the wetland file number for this project (DEP # 315-499), they did not check the box that required a 401 Water Quality Application from the Proponent. As a result of this DEP action, the original engineering firm performing the permitting at that time did not file for a Water Quality Certificate. There was also no filing with MEPA at that time.

The Town of Walpole Planning Board approved the subdivision in 1998. The Walpole Conservation Commission approved the wetland crossings as a limited project, agreeing that the Proponent had avoided alteration of the Bordering Vegetated Wetland to the extent possible, had minimized the fill with retaining walls and had mitigated the alteration with more than a 1:1 wetland replication. The subdivision also had a stormwater management plan. On May 11, 1998, the Walpole Conservation Commission issued an Order of Conditions for this project. DEP issued a Sewer Extension Permit (#110601 BRPWP13) on November 29, 1999. Since that time, this project was constructed in accordance with the approvals, including the crossings and replication.

In 2003, a new Conservation Agent required the Proponent to file for a 401 Water Quality Certificate for the completed work. The Water Quality Application was filed on March 27, 2003. Through that review process, the Proponent was informed that an ENF would have to be filed with MEPA. The ENF was filed in December 2003. The ENF was later withdrawn and this is the new ENF filing for this project. The local Order of Conditions has been extended.

The Proponent has also filed with the U.S. Army Corps of Engineers for a Nationwide Permit under Section 404 of the U.S. Clean Water Act. This filing was made on April 21, 2004 after a meeting with the U.S. Army Corps of Engineers on March 17, 2004. A representative from the U.S. Army Corps of Engineers visited the site on April 22, 2004 and again on April 7, 2005. During the April 22, 2004 site visit, the representative from the Army Corps agreed that the wetland boundary was accurate.

The Proponent is not proposing any additional work within this subdivision.